

## **EXHIBIT A**

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

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In re:

Chapter 7

GOLDRINA ROBERTS,

Case No. 04-11507-REG

Debtor.

-----X

STATE OF NEW YORK     )  
                                  ) ss.:  
COUNTY OF NEW YORK    )

**AFFIDAVIT OF PROPOSED ATTORNEY**

MITCHELL D. KESSLER, ESQ. being duly sworn, deposes and says:

1.     I am a solo practitioner at my own office, Mitchell D. Kessler, Attorney at Law, which maintains its principal office for the practice of law at Seven Penn Plaza, Suite 420, 370 7<sup>th</sup> Avenue, New York, NY 10001 (the "Firm").

2.     This affidavit is being submitted in connection with the proposed retention of the Firm as special litigation counsel to Roy Babitt, Chapter 7 trustee (the "Trustee") in this matter, to render all necessary legal services that the Trustee requests the firm to handle in connection with the instant Chapter 7 case. It is anticipated that the services to be provided will relate primarily to a pending personal injury action. Debtor had previously engaged the Firm to handle this litigation prior to the filing of the bankruptcy. It is further anticipated that because of the distinct nature of the matters that the Firm will handle, the Firm will not duplicate the efforts of Trustee's general counsel.

3.     The Firm has the necessary expertise to represent the Trustee and has significant experience in the handling of bankruptcy litigation matters.

4. For services rendered, the Firm shall charge the estate its established rates for settlement of a personal injury action pursuant to a retainer signed by the Debtor and enclosed as Exhibit "A"). The Firm shall also seek reimbursement of all out-of-pocket disbursements.

5. To my knowledge after due inquiry, the Firm or any of its members or associates does not hold or represent any interest materially adverse to the Debtor or its creditors identified to us in the matters upon which we are to be engaged. The Firm has not represented any parties (other than the Debtor) in connection with this bankruptcy case.

6. Insofar as I have been able to ascertain after due inquiry, neither the Firm or its members or associates hold or represent, by reason of any direct or indirect relationship to, in connection with or interest in the Debtor, any interest materially adverse to the Debtor, its estate or any class of creditors or equity security holders, as identified to our firm, with respect to the matters in which the Firm is to be engaged.

7. Accordingly, I believe that the Firm is a "disinterested person" as contemplated under Section 327 of title 11, United States Code.

MITCHELL D. KESSLER, ESQ.

  
MITCHELL D. KESSLER, ESQ (MK-5599)

Seven Penn Plaza, Suite 420  
370 Seventh Avenue  
New York, New York 10001  
(212) 268-2677

Sworn to before me this 17  
day of July 2005

  
Notary Public

